

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2017.03
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	March 26, 2003
DATE OF REPORT:	April 22, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 19, 2003

COMPLAINT ISSUES:

Whether the South Bend Community School Corporation violated:

511 IAC 7-29-1 by doubling the number of days of suspension of a student whose instructional day has been shortened by the case conference committee decision under 511 IAC 7-21-3(c).

FINDINGS OF FACT:

1. The Student is seventeen years old and is eligible for special education and related services as a student with a mild mental disability.
2. On Monday, March 10, 2003, the Student was suspended for two days, beginning Tuesday, March 11, 2003. Although the disciplinary action was expressly identified as a two-day suspension, the Student was not permitted to return to school until Monday, March 17, 2003. Therefore, the Student was removed from school for four days (Tuesday, Wednesday, Thursday, and Friday), although a four-day suspension was not imposed.
3. The Student's case conference committee had previously determined that the length of the Student's full-time instructional day would consist of two class periods (approximately two hours).
4. An administrator required the Student to remain out of school for four days because the administrator had been misinformed that suspended part-time students should lose approximately the same amount of instructional hours as suspended full-time students.
5. Upon learning of this Complaint, the local director of special education recognized that a mistake had been made and initiated corrective action by contacting both the Parent and the principal of the Student's school. The principal provided an assurance statement that the mistake would not happen again and, in addition, offered to arrange for the Student to receive four hours of compensatory instructional time (two hours on each of two days). The Parent expressed satisfaction with the arrangement for compensatory services, if transportation arrangements were addressed.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the Student was removed from school for four days, when the disciplinary action was a two-day suspension. Finding of Fact #3 indicates that the Student is a full-time student whose instructional day has shortened as authorized by 511 IAC 7-21-3(c), and Finding of

Fact #4 reflects reasoning that is inconsistent with authority of the case conference committee under 511 IAC 7-21-3(c). Therefore, a violation of 511 IAC 7-29-1 occurred. Finding of Fact #5 indicates that appropriate corrective action has been offered.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

On or before May 14, 2003, South Bend Community School Corporation shall provide documentation that four hours of compensatory services have been provided to the Student.